

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH G. OLIVER,
Plaintiff,

v.

JEFFREY BEARD, et al,
Defendants.

No. 2:13-cv-1395 MCE DAD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

In this case, many of the named defendants are located in and a substantial part of the events giving rise to plaintiff’s claims occurred at the California Men’s Colony in San Luis Obispo, which is located within the boundaries of the Northern District of California. Therefore, plaintiff’s action should have been filed in the United States District Court for the Northern

1 District of California. In the interest of justice, a federal court may transfer a complaint filed in
2 the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d
3 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
5 States District Court for the Northern District of California.

6 Dated: September 28, 2013

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8 hm
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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE